

### **Remarks**

Claims 1-6, 8-64 and 73-79 are pending in the application. Claims 65-72 stand withdrawn from consideration. Claims 1, 2, 8, 10, 11 13-26, 28-34, 39-42, 44-53, 55-60 and 73-75 have been rejected. Claims 61-64 and 76-79 are allowed. Claims 3-6, 9, 12, 27, 35-38, 43 and 45 have been objected to as being dependent upon a rejected base claim but would be otherwise allowable if written in independent form including all of the limitations of the base claims and any intervening claims. Allowable claims 3, 9 and 35 have been rewritten in independent form. Reconsideration is respectfully requested in view of the following remarks.

Applicants thank Examiner for the courtesy of the telephonic interviews of August 17 and Oct. 4, 2005. Claim 1 and the D-Augustine reference were discussed. The amendment to claim 1 was discussed whereby the base member is characterized as having a width in one direction perpendicular to the reinforcement, which width is greater than the maximum width of the meltable portion in a direction perpendicular to the reinforcement. The same amendment has been made to claim 33. Examiner agreed that the amendment overcame the rejections of record.

DeSushko was also discussed during the telephonic interviews. Applicants' attorney indicated that DeSushko is directed to a urethral bougie for male, not female, use. Even assuming arguendo that elements 13 and 14 could comprise a "base", and element 10 could comprise a "reinforcement" (neither of which are admitted), the material of medicament 15 is not described as being meltable. DeSushko does not teach a meltable member which surrounds a reinforcement. The only meltable part of the DeSushko device is tip 16. As clearly shown by DeSushko, tip 16 does not extend around tube 10, even if tube 10 can be considered a reinforcement.

To further distinguish DeSushko, claim 1 has been amended to point out that the meltable portion of applicants' device is formed around the length of the reinforcement, and that the meltable portion has a diameter which tapers from the base member to the reinforcement first end, that is, the end of the reinforcement which is distal to the base. Even assuming arguendo that DeSushko's medicament 15 can be regarded as meltable (applicants assert that it is not), the only portion of the medicament body which may be considered tapered is the portion around the

bulge marked 12 in DeSushko. The rest of the length of medicament 15, from the bulge 12 to the end of the tube 10, has a constant diameter. As a result, DeSushko does not disclose a device having a meltable portion formed around the length of a reinforcement, whereby the meltable portion has a diameter which tapers from a base member attached to one end of the reinforcement, to the reinforcement other end.

The claims of the application are believed to be in condition for allowance. An early action toward that end is earnestly solicited.

Respectfully submitted,

S. GRANT MULHOLLAND, et al.

BY 

DANIEL A. MONACO

Registration No. 30,480

DRINKER BIDDLE & REATH LLP

One Logan Square

18<sup>th</sup> and Cherry Streets

Philadelphia, PA 19103

Phone: (215) 988-3312

Fax: (215) 988-2757

*Attorney for Applicants*